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8   UNITED STATES DISTRICT COURT

9   DISTRICT OF NEVADA

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11   In the Matter of ACTION WATERSPORTS   Case No. 3:21-cv-00072-MMD-CLB
     OF INCLINE VILLAGE, LLC, as owner of
12   the vessel SIERRA CLOUD, official number   **ORDER DIRECTING ISSUANCE**
     950488, for Exoneration from or Limitation of **OF NOTICE, AND PUBLICATION,**
13   Liability   **AND THEREOF**

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17   WHEREAS, a complaint is being filed simultaneously with this [Proposed] Order by which

18   Plaintiff-in-Limitation ACTION WATERSPORTS OF INCLINE VILLAGE, LLC., as owner of

19   vessel SIERRA CLOUD, official number 950488, ("VESSEL"), wherein Plaintiff-in-Limitation

20   seeks exoneration from or limitation of liability for any losses, injuries, and/or damages occasioned

21   as a result of the VESSEL voyage on or about July 16, 2020 on Lake Tahoe; and

22   WHEREAS, the complaint having stated the facts and circumstances upon which said

23   exoneration or limitation is claimed; and

24   WHEREAS, it appearing that the claims that may be made against Plaintiffs-in-Limitation

25   may be in amounts which will exceed the value of the interest of Plaintiffs-in-Limitation in the

26   VESSEL for losses, injuries, and/or damages said to have been occasioned or incurred in

27   consequence of the aforesaid voyage; and

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[PROPOSED ORDER] DIRECTING ISSUANCE OF NOTICE, AND PUBLICATION, AND THEREOF
Case No. 3:21-cv-00072-CLB

1   WHEREAS, the surety for Plaintiffs-in-Limitation has given security for damages in costs

2 herein;

3   AND NOW THEREFORE, on application of Browne Green, LLC, counsel for Plaintiff-in-

4 Limitation, it is hereby:

5   ORDERED that the Clerk of this Court issue a notice forthwith, in the form submitted with

6 this Order, to all persons or entities asserting claims with respect to which the complaint seeks

7 exoneration or limitation, admonishing them to file their respective claims with the Clerk of the

8 Court and serve attorneys for Plaintiffs-in-Limitation with a copy thereof within 30 days of the

9 issuance of the notice;

10   AND IT IS FURTHER ORDERED that public notice shall be given by publication thereof

11 in the newspaper known as "San Francisco Chronicle" and that such notice shall be published

12 once a week for four consecutive weeks prior to the date affixed herein for filing of claims;

13   AND IT IS FURTHER ORDERED that not later than the date of the second publication of

14 said notice, Plaintiffs-in-Limitation shall mail a copy of said notice to every person or concern, if

15 any, known to have made any claim against Plaintiff-in-Limitation as a result of the incident

16 involving the VESSEL on or about July 16, 2020;

17   AND IT IS FURTHER ORDERED that the continued prosecution of any and all suits,

18 actions or proceedings which may already have begun against Plaintiffs-in-Limitation in any court

19 whatsoever to recover damages arising out of, or occasioned by, or consequent upon the aforesaid

20 voyage or trip of the VESSEL on or about July 16, 2020, and institution or prosecution of any suits,

21 actions or legal proceedings of any nature description whatsoever in any court wheresoever, except

22 in this proceeding for exoneration from or limitation of liability, against Plaintiffs-in-Limitation, in

23 respect of any claim or claims arising out of the aforesaid voyager trip on which the VESSEL was

24 then engaged, or otherwise subject to limitation proceeding, be and the same are hereby are stayed

25 and restrained;

26   AND IT IS FURTHER ORDERED that a certified copy of this order as a restraining order

27 shall be served by certified mail, return receipt requested, on the person or persons, or entity or

28 entities, to be restrained, or to their respective attorneys or representatives;

1   AND IT IS FURTHER ORDERED that the publication and mailing of copies of the Notice

2   to Claimants, required by Rule F(4), Supplemental Rules for Certain Admiralty and Maritime

3   Claims, Federal Rules of Civil Procedure, shall constitute due notice to all persons asserting claims

4   with respect to which said complaint seeks limitation or exoneration.

5   IT IS SO ORDERED.

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8   Dated: ____April 27_____, 2021   _____

9   Hon. Miranda M. Du
                                           U.S. District Court Judge
                                           DISTRICT OF NEVADA
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